

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ENRIQUE PEREZ, et al.,,

Plaintiffs,

**ORDER**  
CV 10-4453 (DRH)(ARL)

-against-

G & P AUTO WASH, INC., et al.,

Defendants.

-----X

**LINDSAY, Magistrate Judge:**

Before the court is the defendants' letter application dated May 12, 2011, seeking to preclude the plaintiffs from using certain discovery materials, or alternatively to compel plaintiffs to supplement their responses to Defendant's First Set of Interrogatories and Document Demands. Defendants oppose the application and cross-move by letter application dated May 13, 2011 to preclude defendants from using certain discovery materials, or alternatively to compel plaintiffs to supplement their responses to Plaintiff's First Request for Interrogatories and First Request for Documents. That portion of defendants' reply letter dated May 16, 2011 that seeks to reply to plaintiff's opposition to their discovery motion will not be considered. *See* Local Rule 37.3(c). The motions are denied.

To the extent that defendants maintain that plaintiffs responses to the First Set of Interrogatories and Document Demands, the parties are directed to meet and confer in an attempt to resolve this matter. Letter campaigns and telephone tag do not satisfy the parties obligation to confer in good faith in an effort to resolve the dispute prior to seeking judicial intervention *See* Local Rule 37.3. Although plaintiffs contend that they have e-mailed defendants' attorney their supplemental responses and will mail the final verification upon receipt, if defense counsel believes that the plaintiffs have not responded to the defendants' discovery requests, counsel will discuss the matter with plaintiffs' counsel and attempt to set a deadline for the production of all outstanding responses. Likewise, to the extent that plaintiffs maintain that defendants have not responded to plaintiffs discovery requests, counsel with discuss the matter with defense counsel and attempt to set a deadline for the production of all outstanding responses. Moreover, any applications for preclusion of the evidence must be addressed to the district court.

Dated: Central Islip, New York  
May 20, 2011

**SO ORDERED:**

\_\_\_\_\_/s/  
ARLENE R. LINDSAY  
United States Magistrate Judge